



429-3370

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June 1, 1995

Conference Delegate,

Edmonton Working Women (EWW) is pleased to announce the launch of its report *Sexual Harassment: Speak Out!*

EWW's report on sexual harassment is a must-read for working women. The report on sexual harassment pinpoints the problems women have in laying sexual harassment complaints and provides recommendations to improve the procedures and policies of complaint-processing bodies. A guide for women and a fact sheet on Edmonton Working Women complete the package.

We also have for sale anti-sexual harassment posters. (\$7/\$5 low income)

Attached to this package is a donation form for the sexual harassment package. We are suggesting that groups consider donating \$5 to EWW for the package.

If you would like additional reports or information on Edmonton Working Women, please call us Monday through Friday at (403) 429-3370.

We look forward to your comments on the report.

Sincerely,  
Edmonton Working Women

Jayne Russell  
(403) 429-3370

Attachments: Report --*Sexual Harassment: Speak Out!* (Suggested donation \$5)  
Guide --*Sexual Harassment: A Guide for Women in the Workplace*  
Factsheet--*Edmonton Working Women: Who Are We?*  
Donation/Membership Form



# Sexual \_\_\_\_\_ Harassment

\_\_\_\_\_ A Guide for  
Women in the  
Workplace



The contents of this publication are intended as general information, not legal advice. If you need legal advice, contact a lawyer. Call Lawyer Referral Service (1-800-661-1095) for the names of three lawyers who may give you some free legal advice.

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Cover artwork by Marna Bunnell. Limited edition 40" X 60" prints and 11" X 17" reproductions are available from Edmonton Working Women.

# Edmonton Working Women

In 1982, Edmonton Working Women (EWW) became a working women's collective based on feminist principles in response to the way women's work often goes unrecognized, whether it be paid or unpaid labour. EWW is committed to changing this situation. Our goals are better wages, working conditions and job security for women. We need comprehensive employment laws that provide health and retirement benefits for all, eliminate exclusions and prohibit harassment, and ensure fair wages. We must remove barriers that have traditionally restricted access to jobs and equitable pay. To reach these goals, our equal participation in the workforce must include better support services, such as childcare. Alberta's labour laws must be changed. They do not fully protect workers, especially women, and they discourage unionization.

In response to the gender inequities in the workplace, EWW set up the Working Women's Hotline in 1985. When women call our hotline, trained hotline workers outline the formal and informal options available to try to rectify workplace problems. Since the hotline's inception, one of the most common complaints has been sexual harassment. Sexual harassment must be dealt with until institutional changes and societal attitude render it obsolete.

## About this Project

Late in the fall of 1991, EWW was grappling with the cases of several women who had called our Working Women's Hotline. Their sexual harassment complaints all seemed headed for disappointing conclusions. None of them

were still employed where the harassment had occurred. All of them were picking up temporary work when they could and all faced the dilemma of whether or not to tell prospective employers why they had **really** left their previous jobs. Some were seeing their doctors and counsellors regularly and were prescribed mood-altering drugs to counter depression and anxiety. All of them had endured long periods of sexual harassment and were emotionally worn down. A prolonged period of harassment of any kind erodes the recipient's self-esteem and creates mistrust of others and even of oneself. They were disillusioned with their treatment by formal complaint-processing bodies and they were questioning whether or not they should have initiated formal complaints.

Our research into how formal sexual harassment complaints are settled resulted in the production of this guide, plus a more detailed report of our findings.

While the vast majority of victims/survivors of sexual harassment are women, we realize that men can be sexually harassed too. Though most sexual harassers are male, we acknowledge that women can sexually harass. But our research focuses on the effects of sexual harassment on women. Throughout this report, we refer to the harasser as male and to the victim/survivor as female.

## **Our Thanks . . .**

To the women who shared with us their frustrations and triumphs in resolving problems at work. Without their courage, this guide would not be possible.

To the Alliance Against Sexual Harassment for generously donating old files and new perspectives.

To Greg Hickmore and Shelley Wilson for editing and design.

To Glen Walker for technical support.

To The Flora Trust, Human Resources Development Canada (formerly Secretary of State Women's Program), Alberta Career Development and Employment STEP Program, and the kind contributions of donors, for funding this project.

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# 1 What is Sexual Harassment?

Sexual harassment is one of the most common kinds of sexual violence. Like all sexual violence, it is a show of power. This show of power is meant to make you afraid and accept the sexual harassment.

Some people confuse sexual harassment with joking or flirting. When it begins, sexual harassment can be disguised as friendliness or humour. Sometimes you may not be sure that what is happening is harassment.

If you and the person you are joking or flirting with are both enjoying yourselves together, this behaviour is not sexual harassment.

Sexual harassment is unwanted and unwelcome. It can be harmful. It may include:

- Physical assault
- Unwanted requests or demands for sexual acts
- Unwanted touching, patting, or pinching
- Making you feel uncomfortable by standing too close or leaning over you too closely
- Staring at you in a sexual way
- Unwelcome jokes, comments, or teasing about your clothes, body, or sexual activities
- Showing you or putting up pornographic pictures or objects.

If you refuse to do what the sexual harasser wants or if you report him, you may find that he punishes you in some way. For example, he may threaten to fire you or reduce your wages. He may threaten you with other kinds of retaliation. This is also sexual harassment.

## 2 Your Feelings When You Are Sexually Harassed

Here are some of the feelings you may have when you are sexually harassed. You may feel one or many of these.

- Responsible ("Did I cause the sexual harassment?")
- Confused ("I do not know what he means by this behaviour.")
- Betrayed ("How could he behave this way to me?")
- Angry at yourself ("Why do I let him do this?")
- Angry at others ("I just feel angry at everyone.")
- Angry at the sexual harasser ("I hate it when he is around at work.")
- Helpless ("I do not know what to do about this problem.")
- Powerless ("I cannot stop this sexual harassment.")
- Weak ("I am not strong enough to fight this sexual harassment.")
- Not respected
- Responsible and guilty ("It must be something I did that started this sexual harassment.")
- Embarrassed
- Emotionally dirty
- Alone
- Fearful
- Hateful
- Resentful
- Depressed ("I often feel sad.")
- Anxious and tense ("I worry a lot.")
- Withdrawn ("I do not want to go to work or even be with other people.")
- Fear of being alone
- Dependent on others for help or support
- Bad feelings about yourself (low self-esteem)

- Unhappy about your job
- Unable to work ("I feel unable to do my work or to do other activities.")

Sometimes you can hide your feelings from yourself. They can show up as physical and mental problems later. For example, you might find you cannot sleep or that you get headaches or that you cry often. You may need a medical doctor or a counsellor to help you to get well again.

### **3 False Beliefs About Sexual Harassment**

Many people have false beliefs about sexual harassment. When you talk about sexual harassment or listen to people talk about it, you may hear some of these false beliefs.

**FALSE: Sexual harassment is not very common.**

**TRUE:** Sexual harassment is very common. Surveys show that most women have been sexually harassed at work or know someone who has been. Most women think it is a serious problem in the workplace. Sexual harassment can happen to any woman.

**FALSE: You ask for sexual harassment by the way you act or the way you dress.**

**TRUE:** Sexual harassment is a show of power. The way you look or act does not cause sexual harassment. Sexual harassers choose women they have some kind of power over. Sexual harassers often blame you. They often act as though the sexual harassment is your fault.

**FALSE: If you do not accept sexual harassment, you have no sense of humour.**

**TRUE:** Some people think sexual harassment is funny and harmless. Sexual harassment is not a joke. It can affect your job, future job opportunities, health and happiness. There is nothing funny about the bad feelings and harm that can result from sexual harassment.

**FALSE: Saying "No" is enough to stop the harasser.**

**TRUE:** The sexual harasser has more power than you. Because he does, he can ignore your strongest "No".

**FALSE: A Woman's "No" means "Yes".**

**TRUTH:**

When a woman does not say "Yes" assume she means "No".

## **4 What you Should do About Sexual Harassment**

### **1. Do not ignore sexual harassment.**

Sexual harassment will not usually stop if you ignore it. Often it will get worse.

### **2. Write about the sexual harassment.**

Keep a diary about the sexual harassment, even if you do not plan to lay a complaint. Keep detailed written notes

about what happens and when it happens, including the date and time. Names of witnesses to the sexual harassment and other victims of harassment should also be kept in your diary.

### **3. Keep proof that you are doing your job well.**

Keep a record of comments and evaluations made about the way you do your job. Remember, you cannot take any original documents from the workplace.

### **4. Tell the sexual harasser to stop.**

If you are polite or nice and not firm with the sexual harasser he will usually not stop harassing you.

Be **assertive** with the sexual harasser. If it is difficult for you to be assertive, you can learn how to be with practice. Practice talking aloud by yourself. Practice what you want to say with a friend. A counsellor can also help you to learn to speak assertively.

Being assertive and standing up for your rights are very important.

For example, if you decide to make a complaint to the Alberta Human Rights Commission (AHRC) or other official bodies, they will require you to show how you let the sexual harasser know his behaviour was not acceptable.

You should tell the sexual harasser exactly what behaviour you find offensive. Tell him you want him to stop it. You may want to tell him how his behaviour makes you feel. For example, you may want to tell him you feel uncomfortable, nervous, degraded, or upset.

You may also want to tell him what will happen if he continues to harass you. You may want to tell him you will report him to his boss or to another authority.

You can confront your sexual harasser by speaking to him or by writing him a letter. Writing often works better. Make sure to keep a copy of your letter.

**Remember, you should not feel guilty. It is the sexual harasser's behaviour that is wrong and illegal.**

## **5 Personal Choices**

The following choices can be used to prevent sexual harassment. They can also be used to stop it once it has started. We urge you to think about all of these choices. Then decide which ones are best for you.

### **Preventing Sexual Harassment**

Sometimes, no matter what you do you cannot prevent sexual harassment. But, some women have found these ideas helpful.

1. Be polite rather than friendly. A sexual harasser may think your friendliness means something sexual.
2. At work talk only about work. Do not talk about details of your personal life or the personal life of those you work with.

3. Do not drink alcohol with the men you work with if it makes you feel uncomfortable.
4. Sometimes you have to go to lunch or dinner as part of your job. Make sure the men you work with know you are doing so because it is your job.
5. Do not ask for favours. Do not accept favours. The sexual harasser may want sexual favours from you in return.

## **Stopping Sexual Harassment Once It Starts**

Often when you try to stop sexual harassment you are abused even more by the man. If you try to get help from official authorities you may feel you are being abused by them, because of the difficult process you go through.

You should try to stop sexual harassment, even if it seems difficult to do. To try to stop it, you can choose from the choices for preventing sexual harassment. You may have some good ideas of your own or you may think about trying these ideas.

1. Keep a diary of the sexual harassment. Keep any proof of what happens. Keep copies of letters you send him and proof that you are doing your job well (copies of performance reviews).

Keep this diary and proof even if you have decided against reporting him to any officials. You may decide to report him later. Or you may have other reasons to use the information you have kept. For example, he may sue you for defamation or you may be called as a witness in another woman's complaint.

2. Tell the sexual harasser what you don't like about his behaviour. Tell him firmly that it must stop. You can do this by talking to him or by writing him a letter.
3. Tell the sexual harasser that what he is doing or has done is against the law.
4. Threaten to report him to an authority like the Human Rights Commission or your union.
5. Try not to be alone with the harasser.
6. Talk about your spouse, boyfriend, father, or brother when the sexual harasser can hear you. This may make him think you have someone to protect you.
7. Talk to the harasser about his girlfriend, wife, or family. This may remind him of relationships that are important to him. He might worry that his actions towards you will harm these important relationships.
8. Become friends with his wife or girlfriend. This may make him respect you more. He may also be afraid that you will tell her about him.
9. Keep pornographic letters, jokes, pictures or objects given to you by the harasser.
10. Try to form a group with other women at work. This group may help solve problems in the workplace, including sexual harassment. You may find that more than one woman in your workplace is being sexually harassed.

11. Think of your own creative choices. Some women have sent booklets on sexual harassment to sexual harassers. With the help of EWW members, some have picketed sexual harassers at their workplace and asked the media to report it.

Let your imagination work on the problem. See what ideas you get. You can think of ways to help yourself. Trying to find creative solutions is easier with a group of women.

### **Good Points About Personal Choices**

1. You keep more control. The sexual harasser believes he has more power than you do. But you have power, too. You have power over what you choose to do about the sexual harassment.
2. When you are assertive with a sexual harasser, you will find you know how to be assertive in other situations.
3. If you threaten the sexual harasser, you may be able to get him to stop sexually harassing you.
4. The written notes or diary and proof that you keep may be used later if you decide to take official action.
5. Help is available to you.
6. Creative solutions often work best.

## **Bad Points About Personal Choices**

1. Taking action to prevent sexual harassment may make you feel that you are being blamed rather than the sexual harasser. **Remember, sexual harassment is not your fault.**
2. Friendships at work may be more difficult to form, because you are being polite rather than friendly.
3. Your friends and relatives may not be supportive. They may believe some of the false beliefs about sexual harassment.

## **6 Official Choices to Deal With Sexual Harassment**

All official choices share some good and bad points.

They all include convincing a person or authority that sexual harassment has occurred. When you make a report to an authority you will have to prove that the sexual harassment has happened.

Official choices can be difficult. You may not be believed. The complaint may not be taken seriously. The complaint process is often difficult to understand.

Authorities are more interested in cases that can be proven than in whether or not you have been sexually harassed.

The difficulties that exist with official choices may be discouraging.

However, there are good points about official choices.

## **Good Points About Official Choices**

You may get some satisfaction and justice.

There can be awards (for example, money, apologies, reference letters, letters in personnel file).

Help is available.

## **Bad Points About Official Choices**

You may have to deal with officials who believe some of the false beliefs about sexual harassment.

You may not be believed or taken seriously.

Your experience must meet the official agency's definition of sexual harassment.

You usually lose control of the process.

You may not be given a good reference from your employer. You may have a difficult time finding another job.

Any investigator can make or break your case.

## **Details About Different Official Choices**

You will find that most official choices have some differences. For example, going to your supervisor is a different process than going to your union. They are both different from making a complaint to a Human Rights Commission.

### **Going to Your Supervisor, Manager, or Personnel Office**

#### **Good Points**

The company that you work for may have a sexual harassment policy and procedure.

Employers that do not take action are legally responsible for making sure that the workplace is free of sexual harassment.

#### **Bad Points**

Your employers may be the actual sexual harassers or they may be good friends with the sexual harasser.

They may think that the business is more important than the harassment.

## **Reporting to His Professional Association**

You may choose to report the sexual harassment to the harasser's professional association, because the association may have a policy and procedure for dealing with such cases.

## **Going to Your Union**

You may choose to make a grievance to your union.

### **Good Points**

You may get some satisfaction.

Help is available through your union steward or other union officials.

You may win your grievance.

### **Bad Points**

Your union steward may not be well trained in dealing with sexual harassment complaints or with the effects of sexual harassment.

The harasser may also be a union member.

You may lose your grievance.

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## **Going to the Human Rights Commissions**

You can file a sexual harassment complaint with the Alberta Human Rights Commission (AHRC) or the Canadian Human Rights Commission (CHRC), depending on where you work. If you talk to either one of these Commissions, you will be told which one you should file your complaint with.

### **Good Points**

The sexual harasser must respond to your complaint. He cannot ignore it.

Going to the Commission can be used as a threat.

You may reach a mutual agreement with the sexual harasser or your employer through mediation.

Filing a complaint does not cost you any money.

The Commissions keep a record of all cases.

### **Bad Points**

You have only six months from the last time any sexual harassment happened to file a claim with the AHRC. For the CHRC, you have one year.

The process is difficult to understand.

Your case must meet their definition of sexual harassment.

You must produce proof and witnesses.

Witnesses may not want to testify.

Human Rights Commission staff must remain impartial. They may not be supportive.

The individual officers can make or break your case. Some HRC officers have told complainants not to involve their local political representative or not to hire a lawyer because it will take longer to settle their cases. You have the right to talk to your government representative or a lawyer if you are not happy with the HRC.

Much of your control is lost.

Commissions do not have enough staff or money to handle all cases well.

You must be ready to be cross-examined.

Financial awards may be small and usually include a non-disclosure clause or gag order that stops you from making your settlement public.

The sexual harasser may have to be taken to court for you to claim financial or other awards.

You may not be able to collect awards even after going to court.

## **Taking Civil Court Action (Suing)**

You may take civil court action. This means you may sue the sexual harasser for damages. If you file a claim for under \$4,000, you can go to small claims court without a lawyer. You will probably need a lawyer if you claim damages above \$4,000 and go to the Court of Queen's Bench.

### **Good Points**

You can win larger cash settlements through civil court actions than through Human Rights Commissions.

You have more control of the process because the lawyer works for you.

### **Bad Points**

There is no civil (or tort) law against sexual harassment. You have to sue for related reasons, such as "intentional infliction of nervous shock", "personal injury" or "negligence".

Civil court action can be expensive. Alberta lawyers can work for a percentage of the settlement, but they usually want you to pay them for their work getting ready to go to court.

Witnesses may not want to testify.

You must be able to show financial loss.

You must be willing to be cross-examined.

You must keep proof that you are looking for a job if you are not working.

You may lose the case and have to pay court costs.

The sexual harasser may counter-sue you for defamation of character.

## **Taking Criminal Action**

There is no criminal law against sexual harassment. You can have the police lay charges under the Criminal Code for assault or sexual assault or extortion (illegal demands made on you) or harassment by telephone if any of these things happened to you. If the police refuse to lay charges you can charge the sexual harasser yourself. Tell the police you want to lay an information.

### **Good Points**

If he is found guilty, the sexual harasser will usually be given a criminal record.

You can charge the sexual harasser if the police will not.

There is no cost to you.

Your sense of justice may be satisfied.

You may be able to get some compensation from the Alberta Crimes Compensation Board.

There may be media coverage.

### **Bad Points**

The harasser may be found not guilty or be acquitted.

There may be media coverage.

There is no criminal law against sexual harassment.

You become a witness for the Crown and testify against the harasser.

No money is awarded by the court.

All your control is lost.

The rights of the accused (the sexual harasser) are seen as very important.

The **burden of proof** is greater in a criminal case than in civil court action.

Cases are usually long, frustrating, and tiring.

## 7 Leaving Your Job

If you are forced to leave your job or if you choose to do so, it may be possible to get some money until you are able to work again.

If your employer has a benefit plan, you may be able to go on short-term or long-term disability. If sexual harassment is causing you to be ill, you should see your doctor and investigate your benefit plan. If you have no disability coverage and you qualify for UI, you can apply to UI for sickness benefits. If you are willing and able to work, you can apply for regular UI benefits.

You may be able to get UI if you can prove that sexual harassment was the reason you left your job and you tried to stop it before you quit. you must show UI that you did all you could to avoid quitting your job.

Alberta Family and Social Services has not demanded proof of sexual harassment or evidence that you did all you could to avoid quitting your job. You may be able to get money under the Support for Independence program (i.e., welfare) but their payments are very low.

You may be able to go to the Alberta Workers' Compensation Board and file a stress claim. You may receive compensation if the Board finds that you were physically threatened at work.

If you leave work your employer may not give you a good job reference. Some women who complained about sexual harassment were "blacklisted". This means you may be unable to find work in your chosen occupation because your former employer has told other employers not to hire you.

## **8 Summary**

Women continue to enter the paid workforce in greater numbers than ever before and this trend will continue. According to some social theorists, as the traditional family changes and as more women enter the workforce, the workplace is assuming more of the functions of the family. The difficulties and challenges we face at home are becoming issues at the worksite. Men and women continue to struggle with changing sex roles at home and at work. We are still

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socialized to think and act in certain ways according to our gender. Mothers continue to assume most responsibility for household tasks and childrearing even when in a two-income family. Fathers are not usually the primary caregivers in child custody arrangements. Old habits are hard to break, but change is coming. Taking parental leave, doing contract work at home, caring for sick kids on company time are all becoming commonplace.

Edmonton Working Women believes that all people have a right to participate fully in private and public life. Personal attitudes can be slow to change and never legislated. Offensive behavior, on the other hand, can be deterred through effective legislation and enforcement agents that have the power to fulfill the intent of those laws. Crucial to this progress are governments with the political will to adequately fund and strengthen our existing human rights legislation and its administration. Otherwise, it will be merely words.